

REMARKS

Claims 1-98 and 100-216 are pending. Claim 99 was previously cancelled. Claims 1, 20, 39, 58, 76, 93, 100, 113, 133, 153, 174, and 194 were previously amended. Claims 1-98 and 100-216 are rejected by the Office Action.

Claim Rejections – 35 USC §102

Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock et al.). As previously amended, claim 1 includes the feature of “determining said **supply chain**” and “displaying performance indicators for said **supply chain**, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said **supply chain**”. (Emphasis added.) In the Response to Arguments (page 2), the Office Action admits that “a supplier of goods or services is **part** of a **supply chain**. Any “**link**” between a company and its supplier is considered a supply chain.” (Emphasis added.) Thus, the Applicant submits that a supply chain includes at least a supplier of goods or services and an associated “link” that relates a company with the supplier. Aycock (for example, column 3, lines 3-5 as cited by the Office Action) only teaches “the evaluation of the performance of a supplier.” However, the present patent application discloses, for example (Paragraph 60-61. Emphasis added.):

- [60] By selecting the team view comparison button 216 in the side menu 300, the team view comparison screen 280 is displayed, as shown in Fig. 12. The team view comparison screen 280 allows a user to compare the teams view performance metrics of multiple **suppliers** by stacking them up next to each other in a matrix. Such comparison can be done at **department, division or company level**, and **comparisons across levels of the hierarchy** will be possible (i.e. compare supplier A's performance at divisional level against supplier B's performance at company level).
- [61] Each **supplier** is identified by **supplier field 281, division field 282, and department field 283**. The KPI column 284 corresponds to the five defined

teams view measures, for both their pre-season and in-season performance set forth in Fig. 8. In the illustrated embodiment these measures are: deliveries, quality, documentation, culture, and communication. The subtotals are for pre-season and in-season performance, respectively, and the season total field displays the total score for the supplier, as was the case in Figure 8. The date the score was created is also indicated.

As disclosed by the present application, the feature of “determining said supply chain” includes determining the supplier as well as determining an associated link between the supplier and the company (e.g., a link to a department or to a division) that are dependent on hierarchal levels. Aycock inherently teaches only “the evaluation of a supplier” and not of a supply chain. Thus, Aycock does not inherently teach the features of “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”.

Similarly, claim 20 includes the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 39 includes “a module/component determining said supply chain” and “a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain”; claim 58 includes “an interface displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” and “a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data”; claim 93 includes features for “determining a supply chain” and “generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 113 includes the features for “determining a supply chain” and “generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 133 includes “a module/component determining said supply chain” and “a module/component generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 153 includes features for “determining said supply chain” and

“evaluating the suppliers for said supply chain based on the performance information”; claim 174 includes the features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information”; and claim 194 includes “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information”. Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, 212, and 214-216 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Thus, Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are not anticipated by Aycock for at least the above reasons, and the Applicant requests for reconsideration.

Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). Regarding claim 1, the Office Action reiterates (page 3) that “a supplier of goods or services is part of a supply chain. Any “link” between a company and its supplier is considered a supply chain.” As disclosed by the present application, the feature of “determining said supply chain” includes determining the supplier as well as determining an associated link (e.g., a link to a department) that are dependent on hierarchical levels. Aycock only teaches “the evaluation of a supplier” and not a supply chain. For similar reasons, as discussed above, Applicant submits that independent claims 20, 39, 58, 93, 113, and 133 are not anticipated by Gilmore. Claims 2, 7-9, 11, 12, 15, 18, 26-28, 30, 31, 34, 37, 45-47, 49, 50, 53, 56, 64-69, 72, 75, 94, 96, 101-103, 105, 106, 109, 112, 114, 116, 121-123, 125, 126, 129, 132, 134, 136, 141-143, 145, 146, 149, and 152 depend from these independent claims. Thus, Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-

143, 145, 146, 149, and 152 are not anticipated by Aycock for at least the above reasons, and the Applicant requests for reconsideration.

Claim Rejections - 35 USC §103(a)

Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. As discussed above, neither Aycock, nor Gilmore, nor the combination of Aycock and Gilmore teach or even suggest features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 153, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 174, and features for “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 depend from independent claims 153, 174, and 194, these claims are patentable over Aycock in view of Gilmore, and the Applicant requests for reconsideration.

Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference “An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities” (James et al.). The Applicant submits that the combination of Aycock and James does not teach or even suggest the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1, features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20, features for “a module/component determining said supply chain” and “a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39, and features for “an interface displaying performance indicators for said

supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” and “a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data” as included in claim 58. Because claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 depend from independent claims 1, 20, 39, and 58, these claims are patentable over Aycock in view of James, and the Applicant requests for reconsideration.

Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §103(a) as being unpatentable over Aycock. Aycock in combination with the Official notice that “it is well known in the state of the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance” does not teach or even suggest the features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 1, features for “determining said supply chain” and “displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 20, features for “a module/component determining said supply chain” and “a module/component displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” as included in claim 39, features for “an interface displaying performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain” and “a processor determining said supply chain and producing an evaluation score for at least one supplier based on inputted data” as included in claim 58, features for “determining a supply chain” and “generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 93, features for “determining a supply chain” and “generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 113; features for “a module/component determining said supply chain” and “a


module/component generating at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier” as included in claim 133, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 153, features for “determining said supply chain” and “evaluating the suppliers for said supply chain based on the performance information” as included in claim 174; and features for “a module/component determining said supply chain” and “a module/component evaluating the suppliers for supply chain based on the performance information” as included in claim 194. Because claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194, these claims are patentable over Aycock, and the Applicant requests for reconsideration of these claims.

CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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